

On November 21, 2019, Plaintiff Invacare Corporation (“Plaintiff”) filed a Stipulated Confession of Judgment, (ECF No. 30), executed by the parties, which stated that

(Confession of J. ¶ 3, ECF No. 30) (emphasis added).

On January 2, 2020, Plaintiff filed a Satisfaction of Judgment, (ECF No. 35), stating that Plaintiff “acknowledges full satisfaction of the Confession of Judgment entered November 21, 2019 against Defendants” (Satisfaction of J. at 1, ECF No. 35). No such judgment had been entered as of that date. Further, the Satisfaction of Judgment did not state that Plaintiff

1 was withdrawing the request for relief it previously made in the Stipulated Confession of
2 Judgment, (ECF No. 30), or the Request for Issuance of Writ of Execution, (ECF No. 31).

3 On September 8, 2020, the Court granted the Stipulated Confession of Judgment, (ECF
4 No. 30), and on September 16, 2020, the Court granted the Request for Issuance of Writ of
5 Execution, (ECF No. 31). (Order, ECF No. 36); (Writ of Execution, ECF No. 37).

6 The Court is now in receipt of a September 11, 2020 letter from Defendant Desert
7 Medical Equipment (“Defendant”) in which defense counsel explains that he and Plaintiff’s
8 counsel are “unsure how [the Court’s Order, (ECF No. 36), granting the Stipulated Confession
9 of Judgment] was entered as neither party requested it.” (Sept. 11, 2020 letter, Ex. A).

10 In light of Defendant’s September 11, 2020 letter, **IT IS HEREBY ORDERED** that the
11 parties shall have until October 9, 2020 to file a new satisfaction of judgment or a joint status
12 report clarifying the standing of the parties.

13 **DATED** this 30 day of September, 2020.

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16 _____
17 Gloria M. Navarro, District Judge
18 United States District Court
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EXHIBIT A

September 11, 2020 letter from
defense counsel



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September 11, 2020

Judge Gloria M. Navarro
United States District Court
333 Las Vegas Blvd. South
Las Vegas, NV 89101

Re: Invacare Corp. v. Desert Medical Equipment, et al.
Case No. 2:16-cv-00190-GMN-CWH
Our File No. 11933-5

Dear Judge Navarro:

I write to identify a confusing sequence of events and hopefully correct what may well be a clerical error. Specifically, on September 8, 2020, ECF No. 36 was filed, which is a Confession of Judgment that was executed by my client back in June of 2017. This Confession of Judgment was executed pursuant to a settlement agreement reached with the plaintiff. However, ECF No. 35 is a Satisfaction of Judgment which indicates, truthfully so, that this judgment had been satisfied in full.

I spoke to opposing counsel, Mr. LaForge and he was equally confused by this turn of events. Both of us were unsure how this document was entered as neither party requested it.

It would seem a simple solution could be either resubmitting a new Satisfaction of Judgment unless the court would voluntarily retract ECF No. 36. Thank you for taking the time to address this issue.

Sincerely,

MARQUIS AURBACH COFFING

Terry A. Coffing, Esq.

TAC:sm

cc: LaForge, Esq. (via email)
Client (via email)

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